

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

EBONEE N. Z.,

Plaintiff,

Case No. 3:23-cv-67

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) ADOPTING IN FULL THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 13); (2) OVERRULING THE COMMISSIONER'S OBJECTIONS (Doc. No. 14); (3) REVERSING THE COMMISSIONER'S NON-DISABILITY FINDING; (4) REMANDING THIS CASE TO THE SOCIAL SECURITY ADMINISTRATION FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS ORDER AND THE REPORT AND RECOMMENDATION; AND (5) TERMINATING THIS CASE ON THE DOCKET

This Social Security case is before the Court on the Report and Recommendation issued by the United States Magistrate Judge (Doc. No. 13), to whom this case was referred pursuant to 28 U.S.C. § 636(b) and Dayton General Order 22-01.¹ The Magistrate Judge recommends that the ALJ's non-disability finding be reversed and the case remanded for further administrative proceedings. *Id.* The Commissioner filed objections to the Report and Recommendation (Doc. No. 14) and Plaintiff has responded (Doc. No. 15). As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including the Commissioner's objections and Plaintiff's response.

¹ See <https://www.ohsd.uscourts.gov/content/general-orders-ohio-southern-district>.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation sets forth the applicable law, is well reasoned, should be adopted, and that the Commissioner's objections should be overruled. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED**; (2) the Commissioner's objections are **OVERRULED**; (3) the Commissioner's non-disability determination is **REVERSED**; (4) this case is remanded pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with this Order and the Report and Recommendation; and (5) this case is **TERMINATED** on the docket.

IT IS SO ORDERED.

February 5, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge